

Article - Environment

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§4–204.

(a) After July 1, 1984, unless exempted, a person may not develop any land for residential, commercial, industrial, or institutional use without submitting a stormwater management plan to the county or municipality that has jurisdiction, and obtaining approval of the plan from the county or municipality. A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with this subtitle.

(b) The developer shall certify that all land clearing, construction, development, and drainage will be done according to the plan.

(c) Each county or municipality may provide by ordinance for the review and approval of stormwater management plans by the local soil conservation district.

(d) (1) Each governing body of a county or municipality may adopt a system of charges to fund the implementation of stormwater management programs, including the following:

- (i) Reviewing stormwater management plans;
- (ii) Inspection and enforcement activities;
- (iii) Watershed planning;
- (iv) Planning, design, land acquisition, and construction of stormwater management systems and structures;
- (v) Retrofitting developed areas for pollution control;
- (vi) Water quality monitoring and water quality programs;
- (vii) Operation and maintenance of facilities; and
- (viii) Program development of these activities.

(2) The charges shall take effect upon enactment by the local governing body.

(3) The charges may be collected in the same manner as county and municipal property taxes, have the same priority, and bear the same interest and penalties.

(4) The charges shall be assessed in a manner consistent with § 4–202.1(e)(3) and (f) of this subtitle.

(e) (1) This subsection applies to a system of charges established by Montgomery County under subsection (d) of this section.

(2) Except as provided in paragraph (5) of this subsection, the county may not impose the charge established under this section on a veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code, a regularly organized volunteer fire department that is used for public purposes, or on roads, not including parking areas, that are owned by a homeowners association that is exempt from taxation under § 501(c)(4) of the Internal Revenue Code if the roads qualify for a State or county roadway maintenance reimbursement fund.

(3) Property owned by the State or a unit of State government in the county may be charged under the system of charges adopted by the county under this section if:

(i) The State or a unit of State government and the county agree to the collection of the charge from the State or a unit of State government that is based on the share of stormwater management services related to property of the State or a unit of State government located within the county;

(ii) The county agrees to appropriate into its own local watershed protection and restoration fund, on an annual basis, an amount of money that is based on the share of stormwater management services related to county property on an annual basis; and

(iii) The county demonstrates to the satisfaction of the State or a unit of State government that the charge collected under item (i) of this paragraph and the money appropriated under item (ii) of this paragraph were deposited into the county's local watershed protection and restoration fund.

(4) (i) The county may establish a program to exempt from the system of charges adopted under this section a property whose owner is able to demonstrate substantial financial hardship.

(ii) The county may establish a separate hardship exemption program or include a hardship exemption as part of a system of offsets to account for

on-site and off-site systems, facilities, services, or activities that reduce the quantity or improve the quality of storm water discharged from the property.

(5) The county may impose the charge established under this section on property owned by a veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code or a regularly organized volunteer fire department if:

(i) The county determines that the creation of a nondiscriminatory program for applying the charge to federal properties under the federal facilities pollution control section of the Clean Water Act is necessary in order for the county to receive federal funding for stormwater remediation; and

(ii) A veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code and a regularly organized volunteer fire department that is used for public purposes are provided with the opportunity to apply for an alternate compliance plan established under § 4-202.1(k)(3) of this subtitle instead of paying a charge imposed by the county under item (i) of this paragraph.

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